

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER DEGROOT, and)	
STEVEN SHOWALTER, on behalf)	
of themselves and all others similarly)	
situated,)	
)	
Plaintiffs,)	Case No. 4:23-cv-3041-JMG-MDN
)	
v.)	
)	
NEBRASKA BOOK COMPANY, INC.;)	
NEBRASKA BOOK HOLDINGS, INC.;)	
CONCISE CAPITAL MANAGEMENT,)	
LP; AB LENDING SPV I, LLC d/b/a)	
MOUNTAIN RIDGE CAPITAL,)	
)	
)	
Defendants.)	
)	

STIPULATED ORDER GRANTING PLAINTIFFS' MOTION TO CERTIFY CLASS,
APPOINT CLASS REPRESENTATIVES, AND APPOINT CLASS COUNSEL

The Court having considered Plaintiffs' Motion to Certify Class, Appoint Class Representatives, and Appoint Class Counsel (Docket No. 126, the "Motion"), and based upon the stipulation to entry of this Order by Plaintiffs Christopher DeGroot and Steven Showalter, and of Defendants Nebraska Book Company, Inc., Nebraska Book Holdings, Inc., Concise Capital Management, LP, and AB Lending SPV I, LLC d/b/a Mountain Ridge Capital, each through their respective undersigned counsel, and the Court being otherwise fully advised in the premises,

IT IS HEREBY FOUND AND ORDERED AS FOLLOWS:

1. A class is certified pursuant to Fed. R. Civ. P. 23 defined as follows: "Former employees whose employment site was 4700 S. 19th Street, Lincoln, NE 68512, who were terminated as the result of a mass layoff or plant closing (as those terms are defined in the WARN

Act) between February 27, 2023 and April 28, 2023, and who did not receive 60 days' notice." (the "WARN Class"). The WARN Class asserts that that one or more Defendants, allegedly acting as a single entity or joint employer, violated the class members' rights under the Worker Adjustment and Retraining Notification Act (the "WARN Act"), 29 U.S.C. §§ 2101-2109, by terminating their employment as the result of a mass layoff or plant closing without providing them 60 days' notice. Defendants assert all defenses and affirmative defenses available to them under the WARN Act and any other applicable law. Without limiting the foregoing, Defendants Concise Capital Management, LP and AB Lending SPV I, LLC d/b/a Mountain Ridge Capital each asserts that it was not the "employer" of any class member as that term is construed in the WARN Act and applicable case law.

2. A second class is certified pursuant to Fed. R. Civ. P. 23 defined as follows: "Former employees, who were terminated on or after February 27, 2023, and who were not paid their accrued but unused paid time off as wages upon termination." (the "NWPCA Class"). The NWPCA Class asserts that one or more Defendants, allegedly acting as a single entity or joint employer, violated the class members' rights under the Nebraska Wage and Payment Collection Act (the "NWPCA"), Neb. Rev. Stat. §§ 48-1228-34, by terminating their employment without paying them their accrued but unused paid time off as wages upon termination. Defendants assert all defenses and affirmative defenses available to them under the NWPCA and any other applicable law. Without limiting the foregoing, Defendants Concise Capital Management, LP and AB Lending SPV I, LLC d/b/a Mountain Ridge Capital each asserts that it was not the "employer" of any class member as that term is construed in the NWPCA and applicable case law.

3. The Court finds that each class is so numerous that joinder of all members is impracticable.

4. The Court finds that there are questions of law or fact common to each class.

5. The Court appoints Plaintiffs Christopher DeGroot and Steven Showalter as the class representatives of each class and finds that their claims are typical of the claims of each class.

6. The Court finds that Plaintiffs Christopher DeGroot and Steven Showalter will fairly and adequately represent and protect the interests of each class.

7. The Court finds that questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

8. The Court appoints the following law firms as class counsel: (a) Friedman Law Offices, PC; (b) Stranch, Jennings, & Garvey, PLLC; (c) Strauss Borrelli, LLP; and (d) CohenMalad, LLP (collectively, "Class Counsel").

9. Class Counsel will submit within 14 days of this Order the form class notice, which shall clearly and concisely state in plain, easily understood language:

- (i) the nature of the action;
- (ii) the definition of the class certified;
- (iii) the class claims, issues, or defenses;
- (iv) that a class member may enter an appearance through an attorney if the member so desires;
- (v) that the court will exclude from the class any member who requests exclusion;
- (vi) the time and manner for requesting exclusion; and
- (vii) the binding effect of a class judgment on members under Rule 23(c)(3).

Following Court approval of the form notice, Class Counsel will be directed to notify all members of the WARN Class and the NWPCA Class in accordance with Fed. R. Civ. P. 23(c)(2)(B),

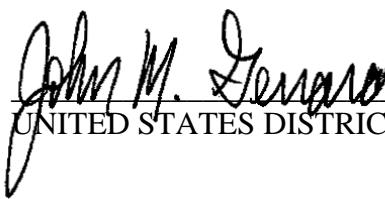
10. Defendants' stipulation to entry of this Order does not constitute, and shall not be construed as, an admission by Defendants as to any of the factual or legal allegations asserted by

the WARN Class or the NWPCA Class. Without limiting the foregoing, Defendants' stipulation to entry of this Order does not constitute, and shall not be construed as, an admission by Defendants that: (a) any Defendant was subject to the WARN Act or the NWPCA, (b) that any Defendant violated the WARN Act or the NWPCA, (c) that any particular member of the WARN Class or the NWPCA Class as herein defined was entitled to protection under the WARN Act or the NWPCA, (d) that any particular unpaid sum was required to be paid under either the WARN Act or the NWPCA, (e) that Defendant Concise Capital Management, LP was an "employer" of any class member under the WARN Act or the NWCPA, or (f) that Defendant AB Lending SPV I, LLC d/b/a Mountain Ridge Capital was an "employer" of any class member under the WARN Act or the NWCPA. All of Defendants' defenses and affirmative defenses are expressly preserved.

11. Entry of this Order does not alter any required burden of proof or any required standard of proof for any party as to any claim, defense, or affirmative defense.

SO ORDERED.

Dated: April 25, 2025



John M. Gerard
UNITED STATES DISTRICT COURT JUDGE

Stipulated as to form and substance on April 23, 2025:

By: s/ J. Gerard Stranch, IV

J. Gerard Stranch, IV (admitted *pro hac vice*)
Michael C. Iadevaia (admitted *pro hac vice*)
STRANCH, JENNINGS, & GARVEY,
PLLC
223 Rosa Parks Ave., Suite 200
Nashville, TN 37203
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gstranch@stranchlaw.com
miadevaia@stranchlaw.com

By: s/ Patrice D. Ott

Patrice D. Ott, #24435
Margaret C. Hershiser, #19545
KOLEY JESSEN P.C., L.L.O.
One Pacific Place, Suite 800
1125 South 103rd Street
Omaha, NE 68124-1079
Telephone: (402) 390-9500
Facsimile: (402) 390-9005
Patrice.ott@koleyjessen.com
Margaret.hershiser@koleyjessen.com

Daniel H. Friedman
FRIEDMAN LAW OFFICES, PC, LLO
3800 Normal Blvd., Suite 200
P.O. Box 82009
Lincoln, NE 68501
dfriedman@friedmanlaw.com

Samuel J. Strauss (admitted *pro hac vice*)
Raina C. Borrelli (admitted *pro hac vice*)
STARUSS BORRELLI, LLP
613 Williamson St., Suite 201
Madison, WI 53703
sam@straussborrelli.com
raina@straussborrelli.com

Lynn A. Toops (admitted *pro hac vice*)
Amina A. Thomas (admitted *pro hac vice*)
Ian Bensberg (admitted *pro hac vice*)
COHENMALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
ltoops@cohenmalad.com
athomas@cohenmalad.com
ibensberg@cohenmalad.com

(*Counsel for Plaintiffs Christopher DeGroot and Stephen Showalter*)

(*Counsel for Defendants Nebraska Book Company and Nebraska Book Holdings*)

By: s/ Christopher R. Hedican
Christopher R. Hedican
Jeremiah C. Hollembaek
Kenneth W. Hartman
Jaskirat K. Strandquest
BAIRD, HOLM LAW FIRM
1700 Farnam Street
Suite 1500
Omaha, NE 68102-2068
Telephone: (402) 344-0500
Facsimile: (402) 344-0588
chedican@bairdholm.com
jhollembaek@bairdholm.com
khartman@bairdholm.com
kstrandquest@bairdholm.com

(*Counsel for Concise Capital Management, LP*)

By: s/ Doron Yitzchaki
Doron Yitzchaki (Michigan Bar #P72044)(admitted *pro hac vice*)
DICKINSON WRIGHT PLLC
350 S. Main Street, Ste 300
Ann Arbor, MI 48104
Telephone: (248) 433-7262
Facsimile: (844) 670-6009
dyitzchaki@dickinsonwright.com

Andrew R. Biehl #25050
WALENTINE O'TOOLE, LLP
11240 Davenport Street
Omaha NE 68154-0125
Telephone: (402) 330-6300
Facsimile: (402) 330-6303
abiehl@walentineotoole.com

(*Counsel for Defendant AB Lending SPV I, LLC d/b/a Mountain Ridge Capital*)